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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,217	11/04/2003	Jussi Numminen	944-003.160-1	7998

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EXAMINER

EKONG, EMEM

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/702,217

Applicant(s)

NUMMINEN ET AL.

Examiner

EMEM EKONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/23/06 have been fully considered but they are not persuasive.

Regarding claim 18, the applicant's argument that the combination of Lupien in view of Thandu fails to disclose applicant's limitations is not persuasive, the applicant also admits to the claim being broad.

Therefore the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6006091 to Lupien in view of U.S. Patent No. 6597921 B2 to Thandu.

**Regarding claim 18**, Lupien discloses a cellular system utilizing a special procedure for correcting/adapting terminal errors, comprising (abstract):

a terminal or user equipment, for providing a control/report signal which is indicative of a version of a bit map (col. 8 lines 26-42) supporting error correcting functionalities (see table 2, i.e. FACCH/SACCH ARQ map) of the terminal, responsive to a command/information signal for performing setup procedures of the terminal (see figure 1, table 2, abstract, col. 1 lines 9-13, col. 1 line 60- col. 2 line 38, col.4 lines 51-65, and col. 8 line 50-col.9 line 5); and

a network, responsive to said control/report signal, using said control/report signal (col. 5 lines 4-6, col. 9 lines 6-50), for providing said command/information signal to the terminal using information contained in said control/report signal (col. 6 lines 1-

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11) and after said determination using a new bit map signal generated by the network (col. 6 lines 18-57).

However, Lupien fails to specifically disclose a network for determining if new bit map related information is required for completing the setup procedures by the terminal.

Thandu discloses a network for determining if new bit map related information is required for completing the setup procedures by the terminal (col. 2 lines 50-63, col. 3 lines 2-20, col. 4 lines 49-59, and col. 8 lines 27-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lupien, and have a network for determining if new bit map related information is required for completing the setup procedures by the terminal for the purpose of properly allocating resources (as discussed by Thandu, col. 3 lines 15-20).

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien, Thandu, and further in view of U.S. Publication No. 2003/0100291 A1 Krishnarajah.

**Regarding claim 19**, the combination of Lupien and Thandu discloses the cellular system of the claim 18, wherein the network comprising: network, responsive to the new bit map signal and to the control/report signal, for determining if new bit map related information is required for completing the setup procedures by the terminal using said control/report signal, for providing said command/information signal to the terminal before said determination using information contained in said control/report signal and after said determination using the new bit map signal generated by the network; and

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a core network, responsive to the control/report signal, for generating the new bit map signal, and for providing the new bit map signal (see figure 1, tables 2, and 3, abstract, col. 1 lines 9-13, col. 1 line 60- col. 2 line 38, col.4 lines 51-65, col. 5 lines 4-6, col. 6 lines 55-60, col. 8 line 50-col. 9 line 5, and col. 9 lines 6-50).

However, the combination fails to disclose network comprising: a universal terrestrial radio access network, responsive to a common ID (IMSI) signal, and a core network providing the common ID (IMSI) signal to the universal terrestrial radio access network.

Krishnarajah discloses the cellular system wherein the network comprising: a universal terrestrial radio access network, responsive to a common ID (IMSI) signal (see figures 1 and 2, and paragraph 0012),

and a core network providing the common ID (IMSI) signal to the universal terrestrial radio access network (paragraphs 0012, and 0013).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention of the combination and have network comprising: a universal terrestrial radio access network, responsive to a common ID (IMSI) signal, and a core network providing the common ID (IMSI) signal to the universal terrestrial radio access network for the purpose of authentication of a terminal as taught by Krisnarajah.

***Allowable Subject Matter***

7. Claims 1-17 are allowed.

***Conclusion***

8. **HIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571 272 7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EOE  
6/5/06



NICK CORSARO  
PRIMARY EXAMINER